

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BOB A PUGH,

Plaintiff,

v.

SUSAN DREYFUS,

Defendant.

CASE NO. C13-5295 RBL-JRC

REPORT AND RECOMMENDATION TO  
GRANT MOTION TO SUBSTITUTE  
DEFENDANT

NOTED FOR: OCTOBER 11, 2013

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

The Court recommends granting defendants' motion asking that the Court replace defendant Susan Dreyfus, former Secretary of the Department of Social Health Services, with Kevin Quigley, the current Secretary (ECF No. 20). The authority for this substitution of defendants is Fed. R. Civ. P. 25(d). Plaintiff has not filed any opposition to the motion.


FED. R. Civ. P. 25(d) states:

(d) Public Officers; Death or Substitution from Office.

1 An action does not abate when a public officer who is a party in a  
2 official capacity dies, resigns, or otherwise ceases to hold office while the action  
3 is pending. The officer's successor is automatically substituted as a party.  
4 Later proceedings should be in the substituted party's name, but any misnomer  
5 not affecting the parties' substantial rights must be disregarded. The court may  
6 order substitution at any time, but the absence of such an order does not affect  
7 the substitution.

8 Given this authority, and the lack of opposition to the motion, the Court recommends  
9 granting defendants' motion. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the  
10 parties shall have fourteen (14) days from service of this Report to file written objections. *See*  
11 *also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for  
12 purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating  
13 the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for  
14 consideration on October 11, 2013, as noted in the caption.

15 Dated this 10<sup>th</sup> day of September, 2013.

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J. Richard Creatura  
United States Magistrate Judge